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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/822,123 | 03/30/2001 | Akira Ishibashi | 09792909-4822 | 8878 |
| 26263 | 7590 | 02/02/2004 | EXAMINER | |
| SONNENSCHN NATH & ROSENTHAL LLP P.O. BOX 061080 WACKER DRIVE STATION, SEARS TOWER CHICAGO, IL 60606-1080 | | | PETKOYSEK, DANIEL J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2874 | |

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,123

Applicant(s)

ISHIBASHI ET AL.

Examiner

Daniel J Petkovsek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment received October 31, 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on March 30, 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

This office action is in response to the amendment received October 31, 2003. In accordance with the amendment, claim 36 has been amended, and new claims 42-57 have been added.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 1-18, 39, and 40, there is no structure in the claim that would preclude the desired result(s), such as a result of an information display plane that receives and displays at least one of the proximately discernable senses. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a *complete operative device*. Regarding claims 19-38, and 41, there is no structure that would preclude the desired result(s), in particular the results of a “projection being formed or a temperature change being produced”, or “liquid being emanated from a surface of said fiber”. Also, the claim language of 19-38, and 41 is vague and indefinite as to what is being claimed.

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Regarding new claims 42-57, these claims have no structure that would preclude the desired result as claimed in independent claims 42 and 50. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a *complete operative device*. For example, “a projection is formed”, and “a vapor is emitted” are desired results that have no claimed structure.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 9-12, and 39-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Frenger U.S.P. No. 4,220,016.

Frenger U.S.P. No. 4,220,016 teaches (ABS, claims) an information receiving/display apparatus that receives light information, as well as receiving tactile information, and displays both the light (as a color) information, and tactile (to influence change of color) information, which clearly, fully meets Applicant’s claimed limitations.

5. Claims 1-3, 5, 9, 11, 13, 14, and 39-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Tremblay et al. U.S.P. No. 6,088,017.

Tremblay et al. U.S.P. No. 6,088,017 teaches (Figs., column 1 lines 37-63; Summary) an information receiving/displaying device (such as virtual reality with multi-sensorial interactions) that displays senses other than audio and visual. For instance, force and tactile, smell, and even

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taste can be displayed. Regarding claims 39-40, the method is inherent from the apparatus. The art of Tremblay et al. '017 clearly, fully teaches Applicant's claimed limitations.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S.P. No. 6,571,043 to Lowry et al.

7. Applicant's arguments filed October 31, 2003 have been fully considered but they are not persuasive. The limitations as claimed are met by the Tremblay et al. '017 reference.

Information can clearly be displayed (see Figs. 19A, 20, and 27).

8. A new grounds of rejection has been made under 35 U.S.C. 112, 1st and 2nd paragraph, as well as a new grounds of rejection under 35 U.S.C. 102 (b) to Frenger U.S.P. No. 4,220,016.


Accordingly, this action is made **NON-FINAL**.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J Petkovsek whose telephone number is (571) 272-2355.

The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9321.


Daniel Petkovsek
January 21, 2004


Brian Healy
Primary Examiner